

HEALTH FACILITY COMMITTEE MEETING
Cannon Health Building, Room 114
9:00 a.m., November 20, 1998

Members Present: Helen Rollins; Lou Ann B. Jorgensen; J. Stephen Anderson; Kathy Siskin; Gayle Morawetz; Kathleen Fitzgerald; Steven Bateman; Michael Stransky; Leora Medina.

Members Absent: Patrick Kronmiller; Travis Jackman.

Staff: Debra Wynkoop-Green; Wendee Pippy; David Eagar; Dave Shorten; Larry Naylor; Bonnie Winter.

The meeting was called to order at 9:05 a.m.

1. Welcome

Ms. Rollins welcomed all in attendance.

2. September 25, 1998 Minutes

Ms. Morawetz made a motion to accept the minutes of the September 25, 1998 meeting.

Ms. Jorgensen seconded the motion. The **MOTION PASSED** unanimously.

3. Licensure Actions/Sanctions

Mr. Eagar updated the Committee on the Licensure Actions/Sanctions that have been processed since the September meeting.

Mr. Bateman asked Mr. Eagar if he could list the issues involved in cases where any action is rescinded (i.e. conditional license, revocation). Mr. Eagar stated he will be more specific in the future.

Ms. Wynkoop-Green went over the letter (requested by the committee last meeting) to Rod Betit with the committee. The letter was regarding nursing schools and plausible causes for lack of nurses/quality nurses. Discussion followed.

4. Sub-committee for Construction

Mr. Naylor introduced Mr. William (Bill) Bonn, a new Architect for the Bureau.

Mr. Naylor reported that the sub-committee met on September 30, 1998 and reviewed the construction rules. The proposed modifications in discussion fell into eight items. The sub-committee...

1. ... adopted the new guidelines. The national guidelines are nationally accepted standards that are adopted by many states, if not by most.
2. ... updated to the current edition of reference codes.
3. ... corrected some errors.
4. ... eliminated other reference codes adopted by other agencies.
5. ... eliminated requirements that are already covered elsewhere.
6. ... required gurney size elevator for multiple floor health care facilities. Elevators are already required, however their goal was to standardize the size.

7. ...made clarifications, modifications and changes as recommended by the sub-committee.
8. ...added a mandated penalties paragraph at the end of each section.

Mr. Naylor stated that additional modifications were made in draft form. Copies were given to the sub-committee as well as sent to associations, and health care facilities. No comments have been received to date.

Ms. Wynkoop-Green asked if the sub-committee is ready to move forward and have the rules filed. Mr. Naylor stated that they are. Mr. Stransky, vice-chairperson of the sub-committee, stated that the sub-committee had been well prepared by Mr. Naylor and Mr. Bonn. Mr. Stransky **moved** that rules be moved forward. Ms. Siskin **seconded** the motion. Mr. Bateman asked if the elevator rule applies to physician office buildings. Mr. Naylor stated that they do not. Discussion followed regarding elevators in physician office buildings. The motion **PASSED** unanimously. Mr. Stransky thanked Mr. Naylor and Mr. Bonn for all they had done for the sub-committee.

5. AED Equipment for Nursing Facility

Ms. Wynkoop-Green introduced Ms. Jan Buttery, Director of Emergency Medical Services for the Utah Department of Health (UDOH). Ms. Wynkoop-Green reported that state legislation is being proposed to enable public access to Automated Electronic Defibrillator's (AED).

Ms. Buttery explained the need for, use of and demonstrated the AED.

Dr. Jorgensen asked how physician authorization will be accomplished for the public to utilize the AED? Ms. Buttery responded stating that in order to purchase and AED, there must be physician authorization (i.e. prescription). Discussion followed.

Ms. Rollins asked Ms. Buttery to attend the next meeting and submit a report regarding interest in AED's used in nursing homes.

6. Assisted Living - Report on ALFA Meeting

Mr. Eagar reported on the Assisted Living Federation of America national meeting in Virginia. Mr. Eagar stated that the General Session had a tremendous attendance. The general session was substantive as far as rules and regulations, processes in other states, number of other states that have Medicaid involvement, etc. The ALFA meeting had a "regulator track." The regulator track was to make sure the regulators got "channeled" into the proper meetings. The assisted living services that are provided by different states were also discussed. Mr. Eagar stated that the definition of Assisted Living differs greatly among the states. In all the regulator sessions he attended there was an undercurrent of not too much regulation, until the last meeting where they (regulators) were told to "BACK OFF" by the ALFA panel.

Ms. Siskin stated that a reason for regulators being told to "back off" is because other states do not have the same relationship with their regulators as Utah providers have with

their regulators.

7. Growth Chart – Health Facilities

Ms. Wynkoop-Green stated that the increase in numbers of beds will be added to the next Growth Chart as well as increase in number of facilities. The chart provided to the committee members shows only new facilities, but the number of beds have also increased.

Ms. Wynkoop-Green went over the Growth Chart with the committee.

Mr. Stransky inquired as to where the psychiatric facilities are in the growth chart.

Ms. Wynkoop-Green stated they are included in the specialty hospital. Mr. Stransky stated that he is concerned what the “free market” can do. As Assisted Living facilities explode in Utah, people need to remember what occurred in the ‘80’s with the psychiatric hospitals. The free market does work in the long run, it is difficult to run in the short run. An unfavorable outcomes of the psychiatric hospital explosion was that most employers who paid for psychiatric hospitalization have taken the view that explosion of facilities caused a pillaging of the system. Therefore they made sure their insurance carriers took a very pessimistic and conservative view of what they would or wouldn’t pay.

Mr. Stransky has a fear that this will occur with the Assisted Living boom. Discussion followed.

8. Rule Language Modification

Ms. Wynkoop-Green went over the process for answering comments and requests made when rule language modifications are filed. A comment was received via e-mail from Attorney Scott Pugsley who stated his concerns with the definition of “emotional or psychological abuse.” What Mr. Pugsley is proposing is to add “in which conduct serves no otherwise legitimate legal or medical purposes.”

Ms. Wynkoop-Green stated that since the definition comes directly from the statute, the change needs to be through the legislature.

Another issue is we are still in the five year review. R432-2 is the General Licensing Provision, which discusses what goes on a license, how you send in an license and the functional program. Legal counsel has looked at it and made numerous comments that they would like to come to the committee as substantive for discussion. Two five year reviews will be filed that state that we will continue the general licensing provisions and the general rules for inspection and enforcement for the next five years that modifications will come forward in the next meeting. In February there will be a presentation from legal services regarding R432-2 and R432-3. Ms. Wynkoop-Green asked for a motion to continue R432-2 and R432-3 until February’s discussion. Mr. Bateman moved.

Mr. Anderson seconded the motion. The **MOTION** passed unanimously.

9. Rule Updates

Ms. Pippy stated that the Hospital Rule (R432-100) became effective October 1, 1998;

Type N (R432-300) rules was filed and could become effective December 16, 1998; the Nursing Care Facility rule was filed once and is back and being worked on. Ms. Pippy stated that the R432-149 rule will be repealed and reenact the R432-150 rule. The definition section was filed, and can become effective December 2, 1998. The R432-270 and R432-750 are both on the Executive Director's desk for signature.

10. HFC Recruitment

Kathy Siskin's, Kathleen Fitzgerald's and Travis Jackman's terms were re-appointed. Their terms will expire in 2002.

Ms. Pippy passed out the resumes of the two new members that represent consumers. The new members are Joyce Wanta and Glade Bigler. Ms. Wanta's term will expire in July 2002. Mr. Bigler's term will expire in 2000.

11. Other Items

Dave Eagar stated that there is an Assisted Living Task Force that John Williams is over. The Task Force has representatives from Medicaid, Bureau of Licensing, and three providers. The charge of the Task Force is to come up with recommendations or figures for possible ways for Utah to have something in place to provide a level of reimbursement for assisted living through Medicaid. The past president of the Utah Assisted Living Association, John Hansen, reported that in their meetings they were surprised that there is a reluctance from the Assisted Living providers to come forward with financial data, which is crucial to get it set up. The association is currently working on getting the facilities on board so that they can obtain the necessary information. Mr. Hansen had stated that in the individual facilities didn't wish to submit that type of information by facility, perhaps the multiple facility corporation would be willing to submit an average.

The meeting adjourned at 11:20 a.m.

Helen Rollins, Chairperson

Debra Wynkoop-Green, Executive Secretary